

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Benjamin F. James IV

Application No.: 10/726/203

Group No.: 2883

Filed: 12/03/2003

Examiner: Blevins, Jerry M.

For:

OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS
SLEEVE FOR THE TRANSMISSION OF LIGHT

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO REVIVE AND ACCEPT ISSUE FEE PAYMENT (PTOL-85)
FILED VIA FACSIMILE (37 CFR 1.6(d))
WHERE OFFICE HAS NO RECORD OF RECEIPT

In response to the Notice of Abandonment mailed July 11, 2007, applicant hereby petitions under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment and for the USPTO to accept the issue fee payment transmitted by facsimile to the Office on June 13, 2007, prior to the due date of June 18, 2007.

1. Issue Fee was Previously Transmitted on June 13, 2007

The completed PTOL-85 form for the application identified above was filed via facsimile transmission on June 13, 2007.

CERTIFICATION UNDER 37 C.F.R. ' ' 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(s)

37 C.F.R. § 1.10*

☐ with sufficient postage as first class mail.

G as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

X transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

/Sheila Cole/
Signature

Date: July 17, 2007

Sheila Cole
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment.

2. Evidence of Previously Transmitted Issue Fee

Attached please find our transmission communication result report, dated June 13, 2007, evidencing the transmission of the PTOL-85 form in question by Jacqueline Pintinics.

Attached please find the USPTO's Auto-Reply Facsimile Transmission receipt for this facsimile transmittal also dated June 13, 2007.

In view of the foregoing, it is respectfully requested that the Notice of Abandonment dated July 11, 2007 be withdrawn, and that the USPTO accept the issue fee payment previously transmitted on June 13 2007.

No fee is believed to be due in connection with this Petition. However, authorization is hereby made to charge any such fee or any other fee that may be due in connection with this Petition to Deposit Account No, 10-0750/TND38DIV.

Date: July 17, 2007

/Melissa J. Szanto/

Melissa J. Szanto
Registration No. 40,834
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
US
732-524-1365
Customer No. 000027777

* * * COMMUNICATION RESULT REPORT (JUN. 13. 2007 12:57PM) * * *

FAX HEADER 1: J&J PATENT INFO SVCS
FAX HEADER 2: 17325242808

TRANSMITTED/STORED : JUN. 13. 2007 12:56PM

FILE MODE OPTION ADDRESS RESULT PAGE

3586 MEMORY TX

USPTO

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REASON FOR ERROR
E-1) HAND UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Please Use Block 1 for any change of address)

NOTE: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27777 7590 03/16/2007

PHILIP S. JOHNSON
 JOHNSON & JOHNSON
 ONE JOHNSON & JOHNSON PLAZA
 NEW BRUNSWICK, NJ 08933-7003

Certificate of Mailing or Transmission:
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Jacqueline Plintinas (Depositor's name)
 (Signature)
 03/16/2007 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/26,506	12/03/2003	Benjamin F. James IV	IND-38DIV	4108

TITLE OF INVENTION: OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS SLEEVE FOR THE TRANSMISSION OF LIGHT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PRIV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	06/18/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BLEVINS, JERRY M	2883	385-031000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys

or agents O/E, alternately;

(2) the name of a single firm (having as a member a

registered attorney or agent) and the names of up to

3 registered patent attorneys or agents. If no name is

listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
 PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. Recorded: 02/16/2001

(A) NAME OF ASSIGNEE

Palo Alto, CA

Reel/Frame: 011561/0736

Indigo Medical, Inc.

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first re-pay any previously paid issue fee shown above)

☐ A check is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 40-0750 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ n. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(e)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Melissa J. Szabo

Date 6/11/2007

Typed or printed name

Melissa J. Szabo

Registration No. 40,834

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 15 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting this completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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